

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

IN RE:

Rebecca Lynne Dickerson,

Debtor(s).

C/A No. 16-01853-HB

Chapter 13

**ORDER ON MOTION TO  
DETERMINE DATE OF  
FILING OF CASE**

**THIS MATTER** came before the Court for a hearing on May 26, 2016, on the Motion to Determine Date of Filing of Case (“Motion”) filed by Robert H. Cooper, counsel for the Debtor.<sup>1</sup> The Motion sets forth the following:

On April 13, 2016, a staff member of [Cooper’s] law firm attempted to file via a Best Case Bankruptcy Program a Petition, Bankruptcy Form 121 SSN, a Certificate of Credit Counseling, and a Mailing Matrix of Creditors. Although, this problem has never occurred previously with said law firm, what actually appeared on the Court’s [C]M/ECF system under “Chapter 13 Voluntary Petition” was a mailing matrix of creditors (Docket Entry 1). Apparently, the Bankruptcy Form 121 SSN image is blank (Docket Entry 2), however the Certificate of Credit Counseling is correct (Docket Entry 3). The filing fee was paid.

On April 14, 2016, said law firm was advised by a member of the Office of Clerk of Court of the fact that no actual petition appeared on the [C]M/ECF in Docket Entry 1. The Deputy Clerk, therefore, suggested that [the] law firm file an amended petition with a Motion to Determine Date of Filing of Case.

A voluntary case under the Bankruptcy Code is commenced by the filing with the bankruptcy court of a petition by an entity eligible to be a debtor under the Bankruptcy Code. 11 U.S.C. § 301; *see also* Fed. R. Bankr. P. 1002; *see also In re Muse*, C/A No. 07-10665, 2010 WL 4501062, at \*4 (Bankr. N.D.N.Y. Nov. 2, 2010) (“The statute says that a chapter 7 bankruptcy is commenced by the filing with the bankruptcy court of a petition, so the petition and only the petition commences the case, regardless of what else happens

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<sup>1</sup> ECF No. 5, filed Apr. 14, 2016. Attached to the Motion is a copy of the Voluntary Petition.

at the same time[.]”). “Historically, the date on which the bankruptcy petition is filed has been of pivotal importance. In fact, over the years, the bankruptcy petition has been one of the few documents filed in federal court on which the hour and minute of filing are noted by the clerk.” *In re Chilson*, 525 B.R. 130, 135 (Bankr. D.N.M. 2015) (citing 1 Collier on Bankruptcy, 86 (14th ed.)); *see also In re Bauer*, No. 05-40208, 2005 WL 4705284, at \*4 (Bankr. D. Idaho Aug. 22, 2005) (“In the age of electronic filing, the time that a petition is filed is tracked precisely and can be especially important.”). Pursuant to applicable law and Operating Order 13-03, the Court must find that the bankruptcy case was effective when Debtor filed the Voluntary Petition on April 14, 2016. Prior events and filings were not sufficient to commence a bankruptcy case.


**IT IS, THEREFORE, ORDERED** that the date of filing of the Voluntary Petition is April 14, 2016.

The Clerk of Court is directed to file the Voluntary Petition at ECF No. 1 and may take any necessary action to make the Court’s docket reflect a filing date of April 14, 2016.

**IT IS SO ORDERED.**

**FILED BY THE COURT  
05/26/2016**



  
US Bankruptcy Judge  
District of South Carolina

Entered: 05/27/2016